

CURLING, et al. v. KEMP, et al.
Civil Action File No: 1:17-CV-02989

EXHIBIT 6
DECLARATION OF LYNN BAILEY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al

Civil Action File

Plaintiffs

No: 1:17-CV-02989-AT

v.

BRIAN KEMP, et al

Defendants.

DECLARATION OF LYNN BAILEY

Pursuant to 28 U.S.C. § 1746, Lynn Bailey, Executive Director for the Richmond County Board of Elections declares as follows:

1. I make this Declaration for the Court's information in the above matter of Donna Curling, *et al.*, v. Brian Kemp, *et al.*, (Civil Action No. 1:17-cv-2989-AT).

I have served as the Executive Director to the Board of Elections for Richmond County, Georgia since being appointed in 1993. In my capacity as Executive Director, I supervise all elections conducted in Richmond County, Georgia, as well as all elections for the municipalities of Hephzibah and Blythe, Georgia. I have served on statewide committees related to the conduct of elections and provided testimony or written comments regarding election matters. I have also been appointed to the statewide commission looking at new voting equipment for Georgia.

2. This declaration is provided at the request of the office of the Secretary of State and is intended to provide information on the practical realities of switching to a new system of voting in Richmond County, a large suburban county and one of 159 counties less than 90 days before major statewide elections. I understand that changes are necessary and that there is a

statewide commission looking at new voting equipment for Georgia. However, in my opinion, which is based on my years of experience, a change to paper ballots in time for the November 2018 election would not be appropriate or feasible.

3. From 1993 until 2002, the Richmond County Board of Elections administered a paper ballot punch card voting system, and from 2002 until the present, the Board has administered a combination of direct record electronic and optical scan voting systems.

4. Richmond County has a large potential voting population with approximately 118,312 Active Registered Voters, with four (4) Advance Voting Sites, sixty-nine (69) voting precincts, and forty-two (42) Election Day polling locations in Richmond County. Thus, any changes regarding the election would require an incredible amount of effort in order for such changes to be implemented for the November 6, 2018 General Election. The anticipated voter turnout for the November 6, 2018 General Election is approximately sixty thousand (60,000) voters or approximately half of the number of Active Registered Voters.

5. There are potential issues with the implementation of paper ballots for the November 6, 2018 General Elections, which are almost solely related to the condensed timeline for implementation and budgetary concerns. In regards to poll officers, such hardships would include the following: (a) the recruitment of many more poll officers due to the establishment of an extra work station at each precinct for manually issuing paper ballots by ballot style as opposed to the automated process currently in place for ballot issuance through an electronic poll book; (b) Training and education would be paramount and would require time for proper training. Rushing through or limiting training due to time constraints would make the implementation rife for poll worker error when ballots are issued, processed and tabulated; and

(c) Training on issuing ballots by ballot style and how to process an over voted ballot would be the largest issues.

6. In regards to the registered voters, the implementation of paper ballots for the November 6, 2018 General Election would create hardships for the voters because there would be insufficient time for voter education on the differences between voting on a touchscreen direct record electronic system and a paper ballot. This is especially true for the differences in procedures for when an over voted ballot is cast. Additionally, there would be probable lines of voters waiting to cast their ballots due to voter inexperience in marking their ballots and the number of spoiled ballots due to over votes cast.

7. In regards to the assurances in the procurement of the voting equipment, the implementation of paper ballots for the November 6, 2018 General Election would create hardships for Richmond County. Richmond County currently has sixteen (16) optical scanning devices in its inventory. Eight (8) of these units are used to tabulate mail-in absentee and provisional ballots. The remaining devices are used for back up in the event of mechanical failure. As such, the implementation of a paper ballot system would present a very real probability of a need to change election management systems, which would be a tremendous challenge to do in the midst of the administration of a big election year. Lastly, any changes made to the voting systems must provide a separate solution for voters with disabilities.

8. In regards to the budgetary concerns, the implementation of paper ballots for the November 6, 2018 General Election would create an economic hardship for Richmond County. These budgetary concerns include, but are not limited to, the costs of the printed ballots, which is currently thirty-five cents (\$0.35) per ballot, plus shipping, the amount required to lease voting equipment, the amount to lease voting booths for privacy, the additional number of poll officers

required for ballot issuance, poll worker training, and voter education and outreach. All of these aspects would be a sudden and unanticipated change that would require expenditure of significant funds that have been not been budgeted for expenditure in 2018.

9. In regards to the time constraints, the implementation of paper ballots for the November 6, 2018 General Election would create havoc on the already limited time constraints of the General Election. The Election is less than ninety (90) days away and the Richmond County Board of Elections is already in the midst of its Election preparations. Any changes to the voting system would require an expansion of training for poll workers and managers, as well as an evaluation of all the polling places to make sure there is adequate space for an additional workstation to issue the ballots. Additionally, the absentee ballots by mail must be ready for distribution no later than September 22, 2018. Thus, over the next couple of weeks Richmond County will be busy laying out, proofing, and readying ballots to meet that deadline.

10. In regards to the implementation of a paper ballot voting system for the November 6, 2018 General Election, the Richmond County Board of Elections would need to develop new processes to address the new system. This new process would have to provide for the secure transportation of unvoted and voted ballots to and from the Election Day polling sites and Advance Voting locations. Procedures for the processing of over voted ballots, ballot tabulations, recount procedures, and logic and accuracy testing would also need to be created to address a paper ballot voting system.

11. In regards to the implementation of a vote by mail system for the November 6, 2018 General Election, there are potential hardships with implementing a new system so close to the elections. A change of this magnitude would require deliberate and thoughtful planning over time to successfully implement the system. To make such a change with no forewarning would

certainly lead to voter confusion and likely resentment from voters that a change of this magnitude would be implemented without the benefit of citizen input or proper education.

12. In regards to the implementation of a vote by mail system for the November 6, 2018 General Election, there are significant time constraints for the voters and the Richmond County Board of Elections. There is insufficient time for proper voter education on a vote by mail system, which would likely add more voter frustration and distrust in the election process due to the timing of the implementation. Additionally, there is insufficient time to establish procedures for such a dramatic change in the method of voting, including the continuance of a secure means to ensure the integrity of the returned voted ballots. Currently, the law provides that the voter's signature on a voted mail-in ballot be verified using a dual signature comparison by comparing the signature on the application for the ballot and the original voter registration application to the signature on the returned, voted ballot. Other jurisdictions that process a large number of mail-in ballots use an automated system for signature verification and ballot tracking. Richmond County has no such system in place nor do we have the space to house it or desire to implement it without an opportunity for proper vetting of this very expensive equipment.


13. A vote by mail system would be a substantial and currently unbudgeted expense carried by Richmond County. In Richmond County, there would be inadequate office space for processing and storing the multitude of paper ballots in a secure manner, including unvoted ballots, voted ballots, and ballots returned due to a change in the voter's address. In Richmond County, ballots would be mailed to both Active and Inactive Voters for approximately 130,000 mailed ballots, as both are eligible to vote. The implications when mailing in excess of 130,000 ballots include, but are not limited to, the high costs of printing, postage, leasing high speed scanners for tabulation, renting additional office space for secure storage, providing for secure

drop off points for voted ballots, additional staffing and training required to issue and tabulate the ballots, and voter education and outreach.

14. As such, an attempt to change to a new statewide system of voting at this point in time would create a significant administrative and financial burden on Richmond County's election officials, and with less than ninety (90) days until the November 6, 2018 Election Day and approximately sixty (60) days until absentee in person voting begins, the above-mentioned requirements to protect the integrity of the voting process could not be accomplished.

15. I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed this 14th day of August, 2018.


LYNN BAILEY
Executive Director
Richmond County Board of Elections